

**EVENT VIOLATION INSPECTOR'S STATEMENT**

Company/Mine: Andalex Resources, Inc./Centennial Project  
 Permit #: C/007/019

NOV # 10007  
 Violation # 1 of 1

**A. SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input checked="" type="checkbox"/> | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: A pickup truck was parked in disturbed diversion DD-7, preventing the diversion from functioning as designed in the approved mining and reclamation plan (MRP). The operator/permittee was warned on several prior inspections about this practice. A final warning was issued on the June 5, 2007 inspection that the next occurrence would result in enforcement.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: A pickup truck was parked in disturbed diversion DD-7, preventing the diversion from functioning as designed in the approved mining and reclamation plan (MRP).

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: \_\_\_\_\_

**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Indifference and lack of reasonable care. The operator/permittee was warned on several prior inspections about this practice. A final warning was issued on the June 5, 2007 inspection that the next occurrence would result in enforcement.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☒ Was the operator in violation of a specific permit condition?

Explanation: Failure to maintain disturb diversion DD-7 in accordance with the approved mining and reclamation plan (MRP), by allowing vehicles to park in the diversion.

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies,

describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The pickup truck was removed from the diversion the same day that the citation was issued. The designated abatement date was 7/7/07 and the truck was removed on 7/6/07.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: \_\_\_\_\_

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: \_\_\_\_\_

KARL R. HOUSSKEPER  
Authorized Representative

Karl R. Housskeper  
Signature

July 16, 2007  
Date

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